

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE:

GAR WARREN YOUNG

Debtor

Address: 11925 Redtree Way

Reston, VA 20194

Last four digits of Social Security No.(s): XXX-XX-7863

BCN #: 19-13100-KHK

Chapter: 7

NOTICE OF MOTION AND HEARING

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not wish the Court to grant the relief sought in this motion, or if you want the Court to consider your views on this motion, then within fourteen (14) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314, and serve a copy on the Movant. Unless a written response is filed and served within this fourteen day period, the Court may deem any opposition waived, treat the motion as conceded, and issue an Order granting the requested relief without further notice or hearing.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the fourteen day period.

You may attend the preliminary hearing scheduled to be held on: November 20, 2019 at 9:30 AM in Courtroom III, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting the requested relief.

SHAPIRO & BROWN, LLP
ATTORNEYS FOR THE MOVANT

Dated: October 10, 2019

/s/ Mary F. Balthasar Lake

BY: Gregory N. Britto, Esquire VSB #23476
Malcolm B. Savage, III, Esquire VSB #91050
William M. Savage, Esquire VSB #26155
Thomas J. Gartner, Esquire VSB #79340
Mary F. Balthasar Lake, Esquire VSB #34899
Nicole McKenzie, Esquire VSB #93990
SHAPIRO & BROWN, LLP
501 Independence Parkway, Suite 203
Chesapeake, Virginia 23320
(703) 449-5800
VABECF@logs.com

CERTIFICATE OF SERVICE

I certify that I have this 10th day of October, 2019, electronically transmitted and/or mailed by first class mail, postage pre-paid, a true copy of the foregoing Notice of Motion to the following:

Steven B Ramsdell
Tyler, Bartl & Ramsdell, P.L.C.
300 N. Washington St
Suite 310
Alexandria, VA 22314

Janet M. Meiburger
The Meiburger Law Firm, PC
1493 Chain Bridge Road, Suite 201
McLean, VA 22101

Gar Warren Young
11925 Redtree Way
Reston, VA 20194

/s/ Mary F. Balthasar Lake

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United States Bankruptcy Court
Eastern District of Virginia
Alexandria Division

In Re:
Gar Warren Young
Debtor

BCN#: 19-13100-KHK
Chapter: 7

Deutsche Bank National Trust Company As
Trustee For IndyMac INDX Mortgage Loan
Trust 2006-AR19, Mortgage Pass-Through
Certificates Series 2006-AR19

Motion for Order Granting Relief from
Automatic Stay under 11 USC §362

Movant/Secured Creditor,

v.
Gar Warren Young
Debtor
and
Janet M. Meiburger
Trustee
Respondents

Deutsche Bank National Trust Company As Trustee For IndyMac INDX Mortgage Loan Trust 2006-AR19, Mortgage Pass-Through Certificates Series 2006-AR19, and/or present noteholder, (hereinafter “the Movant”), alleges as follows:

1. That the bankruptcy court has jurisdiction over this contested matter pursuant to 28 U.S.C. § 157 and § 1334 and 11 U.S.C. § 362; Federal Rule of Bankruptcy Procedure 9014; and Local Bankruptcy Rule 4001(a)-1.
2. That the above named Debtor filed a Chapter 7 Petition in Bankruptcy with this Court on September 18, 2019.
3. That Janet M. Meiburger has been appointed by this Court as the Chapter 7 Trustee in this instant Bankruptcy proceeding.
4. That the subject Deed of Trust secures a parcel of real property (hereinafter “the Property”) with the address of 11925 Redtree Way, Reston, VA 20194 and more particularly described in the Deed of Trust dated April 27, 2006 and recorded as Deed Book 18423, Page 1336 among the land records of the said city/county, as:

Lot EIGHTY-EIGHT (88), Block ONE-B (1-B), Section FORTY-ONE (41), RESTON, as per Deed of Resubdivision recorded in Deed Book 6264 at page 871, among the land records of Fairfax County, Virginia.

5. That the Movant is informed and believes, and, based upon such information and belief, alleges that title to the Property is currently vested in the name of the Debtor.

6. That the Debtor is in default with regard to payments which have become due under the terms of the Note and Deed of Trust.

As of October 4, 2019, the Debtor is due for:

- o 4 monthly payments from February 2019 through May 2019 of \$1,561.10 each which were to be paid directly to Movant;
- o 5 monthly payments from June 2019 through October 2019 of \$1,544.21 each which were to be paid directly to Movant;
- o Accrued Late Charges of \$108.50
- o Recoverable Balance of \$2,483.54
- o Bankruptcy Fees of \$750.00
- o Bankruptcy Costs of \$181.00

7. The approximate payoff as of October 4, 2019 is \$286,474.36.

8. Movant has elected to initiate foreclosure proceedings on the Property with respect to the Deed of Trust, but is prevented by the Automatic Stay from going forward with these proceedings.

9. That the Movant is informed and believes, and, based upon such information and belief, alleges that the Debtor has little or no equity in the property.

10. That continuation of the automatic stay pursuant to 11 U.S.C. § 362(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. § 362.

11. That the Movant has requested that the Court hear this matter on November 20, 2019 at 9:30 AM.

WHEREFORE, Movant prays for an order granting relief from the Automatic Stay in order to pursue its remedies under the terms of its Note and Deed of Trust, that the fourteen (14) day waiting period imposed by F.R.B.P. 4001(a)(3) be waived, for its attorneys fees' and costs expended, and for such other and further relief as the Court and equity deem appropriate.

SHAPIRO & BROWN, LLP
ATTORNEYS FOR THE MOVANT

Dated: October 10, 2019

/s/ Mary F. Balthasar Lake

BY: Gregory N. Britto, Esquire
VSB #23476

Malcolm B. Savage, III, Esquire
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(703) 449-5800
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Certificate of Service

I certify that I have this 10th day of October, 2019, electronically transmitted and/or mailed by first class mail, true copies of the Motion for Relief from the Automatic Stay and Notice of Motion and Hearing to each party required to receive notice.

Steven B Ramsdell
Tyler, Bartl & Ramsdell, P.L.C.
300 N. Washington St
Suite 310
Alexandria, VA 22314

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